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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

In re: ASTRIA HEALTH, <i>et al.</i> , Debtors and Debtors in Possession. ¹	Chapter 11 Lead Case No. 19-01189-11 Jointly Administered NOTICE OF APPEAL
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¹ The Debtors, along with their case numbers, are as follows: Astria Health (19-01189-11), Glacier Canyon, LLC (19-01193-11), Kitchen and Bath Furnishings, LLC (19-01194-11), Oxbow Summit, LLC (19-01195-11), SHS Holdco, LLC (19-01196-11), SHC Medical Center - Toppenish (19-01190-11), SHC Medical Center - Yakima (19-01192-11), Sunnyside Community Hospital Association (19-01191-11), Sunnyside Community Hospital Home Medical Supply, LLC (19-01197-11), Sunnyside Home Health (19-01198-11), Sunnyside Professional Services, LLC (19-01199-11), Yakima Home Care Holdings, LLC (19-01201-11), and Yakima HMA Home Health, LLC (19-01200-11).

NOTICE OF APPEAL

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Under Fed. R. Bankr. P. 8003, Astria Health, a Washington nonprofit public benefit corporation (“Astria”), and the above-referenced affiliated debtors and debtors in possession (the “Debtors”) under chapter 11 of title 11 of the United States Code, §§ 101 *et seq.* (the “Bankruptcy Code”),² in these chapter 11 cases (the “Chapter 11 Cases”), by and through the undersigned counsel of record, appeals under 28 U.S.C. § 158(a) the *Order Granting Motion for Relief From the Automatic Stay* [Dkt. No. 519] (the “Order”), entered by the bankruptcy court on August 20, 2019. A copy of the Order is attached here as **Exhibit A**.

Part 1: Identify the appellant(s)

1. Name of appellant: Astria Health and the above-referenced affiliated debtors and debtors in possession

2. Position of appellant in the adversary proceeding or bankruptcy case that is the subject of this appeal:

² All references to § herein are to sections of the Bankruptcy Code. All references to “Bankruptcy Rules” are to provisions of the Federal Rules of Bankruptcy Procedure. All references to “LBR” are to provisions of the Local Bankruptcy Rules of the United States Bankruptcy Court for the Eastern District of Washington (the “Bankruptcy Court”).

For appeals in an adversary proceeding.

For appeals in a bankruptcy case and not in an
adversary proceeding.

☐ Plaintiff
☐ Defendant

☒ Debtor
☐ Creditor
☐ Trustee

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: Order Granting
Motion for Relief From the Automatic Stay [Docket No. 519]

2. State the date on which the judgment, order, or decree was entered:
August 20, 2019

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from
and the names, addresses, and telephone numbers of their attorneys (attach
additional pages if necessary):

1. Party: David Becerril

Attorney: Metiner G. Kimel
Kimel Law Offices
205 N. 40th Ave., Ste 205
Yakima, WA 98908
Phone: (509) 452-1115

Part 4: Optional election to have appeal heard by District Court

If a Bankruptcy Appellate Panel is available in this judicial district, the
Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. §

1 158(c)(1), a party elects to have the appeal heard by the United States District
2 Court. If an appellant filing this notice wishes to have the appeal heard by the
3 United States District Court, check below. Do not check the box if the appellant
4 wishes the Bankruptcy Appellate Panel to hear the appeal.

5 ☐ Appellant elects to have the appeal heard by the United States District
6 Court rather than by the Bankruptcy Appellate Panel.

7 **Part 5: Sign below**

8
9 

Date: 8/27/19

10 Signature of attorney for appellants

11 Name, address, and telephone number of attorney:

12 SAMUEL R. MAIZEL (Admitted *Pro Hac Vice*)
13 DENTONS US LLP
601 South Figueroa Street, Suite 2500
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14 Tel: (213) 623-9300

EXHIBIT A

So Ordered.

Dated: August 20th,
2019



Frank L. Kurtz
Bankruptcy Judge

METINER G. KIMEL - State Bar No. 21280
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Attorney for the David Becerril

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re: ASTRIA HEALTH,
Debtor.

Case No. 19-01189 (Administratively
Consolidated)
**ORDER GRANTING MOTION FOR
RELIEF FROM THE AUTOMATIC
STAY**

The matter of the Debtor's **MOTION FOR ANNULMENT AND RELIEF FROM THE AUTOMATIC STAY** came before the court for hearing on August 15, 2019 at 1:30 p.m. after shortened notice and opportunity for hearing. Astria objected to the motion [Docket No. 475] Appearances for Dr. Becerril and Astria were as noted in the record. Based upon the Motion, all pleadings and papers and documents on file in the Chapter 7 case, the argument provided by counsel and the hearing, and having found that proper notice was provided of the motion, the Court now **ORDERS**:

1. The motion is granted;

In re Astria Health; Case No. 19-01189
Order Granting Motion to Annul Automatic Stay.

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Yakima, WA 98908

1 2. The automatic stay is lifted to allow Dr. David Becerril to exercise his contractual
2 rights to terminate his employment contract with the Debtor without cause on providing
3 90 days' notice to the Debtor.

4 /// End of Order ///

5
6 Presented by:
7 /s/ Metiner G. Kimel
8 Attorney for Debtor(s)
9 Kimel Law Offices
205 N. 40th Ave., Ste 205
Yakima, Wa 98908
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